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Attorney for Plaintiff

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

JESSICA HARTUNG, an individual,	) Case No.: C08-01380
	)
Plaintiff	) <b>PROOF OF SERVICE OF</b>
	) <b>SUMMONS AND COMPLAINT ON</b>
v.	) <b>DEFENDANT T-MOBILE USA, INC.</b>
	)
J.D. BYRIDER, INC.; JD BYRIDER	)
OF CHANDLER; CARNOW	)
ACCEPTANCE COMPANY; JOHN	)
ANDERSON; and T-MOBILE USA,	)
INC and DOES 1 through 10 inclusive,	)
	)
Defendants.	)
	)

On April 7, 2008 Defendant T-Mobile USA, Inc. was served with the summons and complaint by Melinda Kunkel by personal delivery upon Becky Degeorge, an agent for service. A true and correct copy of the affidavit of the proof of service is attached to this document as Exhibit A.

Date: 4/17/08

/S/ Jeremy S. Golden  
Jeremy S. Golden, Attorney for Plaintiff

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) <b>ERIC F. FAGAN</b> <b>2300 BOSWELL RD 211 CHULA VISTA, CA 91914</b> TELEPHONE NO.: (619) 656-6656 FAX NO. (Optional): (775) 703-7661 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: <b>450 GOLDEN GATE AVENUE</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>SAN FRANCISCO, CA 94102-3483</b> BRANCH NAME: <b>NORTHERN DISTRICT - SAN FRANCISCO</b>		
PLAINTIFF/PETITIONER: <b>HARTUNG</b> DEFENDANT/RESPONDENT: <b>J.D. BYRIDER, INC., ET AL</b>		CASE NUMBER: <b>C08-01380SC</b>
<b>PROOF OF SERVICE OF SUMMONS</b>		Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
  - a. ☒ summons
  - b. ☒ complaint
  - c. ☐ Alternative Dispute Resolution (ADR) package
  - d. ☒ Civil Case Cover Sheet (served in complex cases only)
  - e. ☐ cross-complaint
  - f. ☒ other (specify documents): **ORDER SETTING INITIAL CASE**
3. a. Party served (specify name of party as shown on documents served):  
**T-MOBILE, USA, INC.**
  - b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship of party named in item 3a):  
**BECKY DEGEORGE, AGENT FOR SERVICE**
4. Address where the party was served: **2730 GATEWAY OAKS DR STE 100**  
**SACRAMENTO, CA 95833**
5. I served the party (check proper box)
  - a. ☒ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **04/07/2008** (2) at (time): **01:54 pm**
  - b. ☐ **by substituted service.** On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b):
    - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
    - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
    - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
    - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
    - (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PETITIONER: <b>HARTUNG</b>	CASE NUMBER:
RESPONDENT: <b>J.D. BYRIDER, INC., ET AL</b>	<b>C08-01380SC</b>

- c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,

(1) on (date):

(2) from (city):

- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt*.) (Code Civ. Proc., § 415.30.)

- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)

- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.  
 b. ☐ as the person sued under the fictitious name of (specify):  
 c. ☐ as occupant.  
 d. ☒ On behalf of (specify): **T-MOBILE, USA, INC.**

under the following Code of Civil Procedure section:

☒ 416.10 (corporation)

☐ 416.20 (defunct corporation)

☐ 416.30 (joint stock company/association)

☐ 416.40 (association or partnership)

☐ 416.50 (public entity)

☐ 415.95 (business organization, form unknown)

☐ 416.60 (minor)

☐ 416.70 (ward or conservatee)

☐ 416.90 (authorized person)

☐ 415.46 (occupant)

☐ other:

7. Person who served papers

- a. Name: **Melinda Kunkel - JANNEY AND JANNEY ATTORNEY SERVICE**  
 b. Address: **840 N. BIRCH ST. SANTA ANA, CA 92701**  
 c. Telephone number: **(714) 953-9451**  
 d. The fee for service was: **\$ 20.00**  
 e. I am:

- (1) ☐ not a registered California process server.  
 (2) ☐ exempt from registration under Business and Professions Code section 22350(b).  
 (3) ☒ registered California process server:  
     (i) ☐ owner ☐ employee ☒ independent contractor.  
     (ii) Registration No.: **07-04**  
     (iii) County: **NEVADA**

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: **04/10/2008**



**JANNEY AND JANNEY ATTORNEY SERVICE**  
**840 N. BIRCH ST.**  
**SANTA ANA, CA 92701**  
**(714) 953-9451**

**Melinda Kunkel**

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

*Melinda Kunkel*

(SIGNATURE)